

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

<b>Plaintiffs' Executive Committee for Personal Injury and Death Claims</b>	<b>Plaintiffs' Executive Committee for Commercial Claims</b>
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean P. Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haefele, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

August 29, 2019

The Honorable Sarah Netburn  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 430  
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The Plaintiffs' Executive Committees (PECs) write to respectfully request that the Court enter an Order granting qualified persons access, subject to the terms of the FBI Privacy Act and Protective Order (ECF No. 4255), to the petitions filed by the Government and now pending before Your Honor, seeking the disclosure of certain grand jury material.

By email dated August 28, 2019, the Department of Justice (DOJ) advised the PECs, counsel for the Kingdom of Saudi Arabia, and counsel for Dallah Avco that the Government had filed petitions in four jurisdictions seeking disclosure of grand jury material responsive to plaintiffs' subpoena and *Touhy* request to the Federal Bureau of Investigation (FBI). The DOJ further advised that the petitions had now been transferred to the United States District Court for the Southern District of New York for adjudication before Your Honor.

The DOJ has indicated that, because the Government is not itself a litigant in this case, it has not sought to make a showing of need in support of the petitions. As such, the Government anticipates that the PECs will want the opportunity to file papers in support of the petitions making that showing. However, because the petitions describing the particular records in issue are themselves under seal, the Government cannot provide those petitions to the PECs without a Court Order. The Government has advised that it does not oppose the entry of an Order allowing such access, subject to the FBI Privacy Act and Protective Order.

In order to allow the PECs to file papers in support of the petitions on behalf of plaintiffs, the PECs respectfully request that the Court enter an Order granting qualified persons, as that

Honorable Sarah Netburn  
August 29, 2019  
Page 2

term is defined in the FBI Privacy Act and Protective Order, access to the Government's petitions seeking disclosure of grand jury material responsive to plaintiffs' subpoena and *Touhy* request to the FBI. Once again, the Government does not oppose this request. In addition, the PECs shared this letter with counsel for Saudi Arabia and Dallah Avco prior to filing, and they have advised that their clients do not object to this request.

We thank Your Honor for the Court's consideration of this matter.

Respectfully submitted,

COZEN O'CONNOR

MOTLEY RICE LLC

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*For the Plaintiffs' Exec. Committees*

*For the Plaintiffs' Exec. Committees*

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*For the Plaintiffs' Exec. Committees*

cc: The Honorable George B. Daniels (via ECF)  
All MDL Counsel of Record (via ECF)